

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 70
HOUSE BILL 2123

AN ACT

AMENDING SECTIONS 9-500.04, 15-349, 41-803, 49-474.01 AND 49-573, ARIZONA
REVISED STATUTES; RELATING TO CLEAN BURNING FUELS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 9-500.04, Arizona Revised Statutes, is amended to read:

9-500.04. Air quality control; definitions

A. The governing body of a city or town in area A or B as defined in section 49-541 shall:

1. If the city has a population exceeding fifty thousand persons according to the 1995 special census, adjust the work hours of at least eighty-five per cent of municipal employees each year beginning October 1 and ending April 1 in order to reduce the level of carbon monoxide concentrations caused by vehicular travel.

2. In area A, in consultation with the designated metropolitan planning organization, synchronize traffic control signals on all existing and new roadways, within and across jurisdictional boundaries, which have a traffic flow exceeding fifteen thousand motor vehicles per day.

3. In area A, beginning on January 1, 2000, develop and implement plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on targeted arterials. The plans shall address the performance goals, the criteria for targeting the roads, alleys and shoulders, a schedule for implementation, funding options and reporting requirements.

4. In area A acquire or utilize vacuum systems or other dust removal technology to reduce the particulates attributable to conventional crack sealing operations as existing equipment is retired.

5. In area B synchronize traffic control signals on all roadways which have a traffic flow exceeding fifteen thousand motor vehicles per day.

B. The governing body of a city or town in area B, as defined in section 49-541, may make and enforce ordinances to reduce or encourage the reduction of the commuter use of motor vehicles by employees of the city or town and employees whose place of employment is within the city or town.

C. Except as provided in subsection F of this section, the governing body of a city or town in area A, as defined in section 49-541, in a county with a population of more than one million two hundred thousand persons according to the most recent United States decennial census shall develop and implement a vehicle fleet plan for the purpose of encouraging and progressively increasing the use of alternative fuels and clean burning fuels in city or town owned vehicles, ~~except that a diesel fuel substitute that qualifies as a clean burning fuel shall not be used to satisfy more than fifty per cent of the plan requirements and a vehicle that uses a diesel fuel substitute that qualifies as a clean burning fuel is computed to equal one-fifth of a vehicle for the purposes of this section, except that if the fuel, including the diesel fuel substitute, used in the vehicle meets the standards for California diesel fuel as adopted by the California air resources board pursuant to 13 California code of regulations sections 2281 and 2282 in effect on January 1, 2000, the vehicle is computed to equal one vehicle for the purposes of this section. The plan shall include a timetable~~

1 for increasing the use of alternative fuels and clean burning fuels in fleet
2 vehicles either through purchase or conversion. At a minimum, the
3 alternative fuel vehicles shall comply with any one of the following:

4 1. The United States environmental protection agency standards for low
5 emission vehicles pursuant to 40 Code of Federal Regulations section
6 88.104-94 or 88.105-94.

7 2. The vehicle engine is certified by the engine modifier to meet the
8 addendum to memorandum 1-A of the United States environmental protection
9 agency, as printed in the federal register, volume 62, number 207, October
10 27, 1997, pages 55635 through 55637.

11 3. The vehicle engine is the subject of a waiver for that specific
12 engine application from the United States environmental protection agency's
13 addendum to memorandum 1-A requirements and that waiver is documented to the
14 reasonable satisfaction of the department of commerce energy office.

15 D. The timetable shall reflect the following schedule and percentage
16 of vehicles which operate on alternative fuels and clean burning fuels:

17 1. At least eighteen per cent of the total fleet by December 31, 1995.

18 2. At least twenty-five per cent of the total fleet by December 31,
19 1996.

20 3. At least fifty per cent of the total fleet by December 31, 1998.

21 4. At least seventy-five per cent of the total fleet by December 31,
22 2000 and each year thereafter.

23 E. The requirements of subsections C and D of this section may be
24 waived on receipt of evidence acceptable to the city or town council that the
25 city or town is unable to acquire or be provided equipment or refueling
26 facilities necessary to operate vehicles using alternative fuels or clean
27 burning fuels at a projected cost that is reasonably expected to result in
28 net costs of no greater than ten per cent more than the net costs associated
29 with the continued use of conventional gasoline or diesel fuels measured over
30 the expected useful life of the equipment or facilities supplied.
31 Applications for waivers shall be filed with the department of commerce
32 energy office pursuant to section 41-1516.01. An entity that receives a
33 waiver pursuant to this section shall retrofit fleet heavy-duty diesel
34 vehicles with a gross vehicle weight of eight thousand five hundred pounds
35 or more, that were manufactured in or before model year 1993 and that are the
36 subject of the waiver with a technology that is effective at reducing
37 particulate emissions at least twenty-five per cent or more and that has been
38 approved by the United States environmental protection agency pursuant to the
39 urban bus engine retrofit/rebuild program. The entity shall comply with the
40 implementation schedule pursuant to section 49-555.

41 F. The plan prescribed by subsection C of this section shall include
42 provisions for the use of alternative fuels AND CLEAN BURNING FUELS in the
43 bus fleet operated by that city or town or a regional planning transportation
44 agency, except that all newly purchased buses shall be alternative fuel
45 vehicles and OR UTILIZE a diesel fuel substitute that qualifies as a clean

1 burning fuel shall not be used to satisfy the requirement for newly purchased
2 buses. The bus fleet shall comply with the timetable prescribed by
3 subsection D of this section, except that the requirements of subsections C
4 and D of this section may be waived on receipt of certification supported by
5 evidence acceptable to the department of environmental quality that the city
6 or town is unable to acquire or be provided equipment or refueling facilities
7 necessary to operate vehicles using alternative fuels at a projected cost
8 that is reasonably expected to result in net costs of no greater than twenty
9 per cent more than the net costs associated with the continued use of
10 conventional gasoline or diesel fuels measured over the expected useful life
11 of the equipment or facilities supplied.

12 G. Subsections C and D of this section do not apply to cities and
13 towns that have a population of less than seven thousand five hundred persons
14 according to the most recent United States decennial census and that lie
15 outside area A as defined in section 49-541.

16 H. For the purpose of this section "alternative fuel" and "clean
17 burning fuel" have the same meaning prescribed in section 1-215.

18 Sec. 2. Section 15-349, Arizona Revised Statutes, is amended to read:

19 15-349. Operation of motor vehicle fleet; energy conservation;
20 alternative and clean burning fuels; definitions

21 A. The governing board of a school district with an average daily
22 membership as defined in section 15-901 of more than three thousand which is
23 located within or which has bus routes running within area A, as defined in
24 section 49-541, in a county with a population of more than one million two
25 hundred thousand persons according to the most recent United States decennial
26 census shall develop and implement a vehicle fleet plan for the purpose of
27 encouraging and progressively increasing the use of alternative fuels and
28 clean burning fuels in school district owned vehicles, ~~except that a diesel~~
29 ~~fuel substitute that qualifies as a clean burning fuel shall not be used to~~
30 ~~satisfy more than fifty per cent of the plan requirements and a vehicle that~~
31 ~~uses a diesel fuel substitute that qualifies as a clean burning fuel is~~
32 ~~computed to equal one-fifth of a vehicle for the purposes of this section,~~
33 ~~except that if the fuel, including the diesel fuel substitute, used in the~~
34 ~~vehicle meets the standards for California diesel fuel as adopted by the~~
35 ~~California air resources board pursuant to 13 California code of regulations~~
36 ~~sections 2281 and 2282 in effect on January 1, 2000, the vehicle is computed~~
37 ~~to equal one vehicle for the purposes of this section. The plan shall~~
38 ~~include a timetable for increasing the use of alternative fuels and clean~~
39 ~~burning fuels in fleet vehicles either through purchase or conversion. At~~
40 ~~a minimum, the alternative fuel vehicles shall comply with any one of the~~
41 ~~following:~~

42 1. The United States environmental protection agency standards for low
43 emission vehicles pursuant to 40 Code of Federal Regulations section
44 88.104-94 or 88.105-94.

1 2. The vehicle engine is certified by the engine modifier to meet the
2 addendum to memorandum 1-A of the United States environmental protection
3 agency, as printed in the federal register, volume 62, number 207, October
4 27, 1997, pages 55635 through 55637.

5 3. The vehicle engine is the subject of a waiver for that specific
6 engine application from the United States environmental protection agency's
7 addendum to memorandum 1-A requirements and that waiver is documented to the
8 reasonable satisfaction of the department of commerce energy office.

9 B. The timetable shall reflect the following schedule and percentage
10 of vehicles which operate on alternative fuels and clean burning fuels:

- 11 1. At least five per cent of the total fleet by December 31, 2001.
12 2. At least fifteen per cent of the total fleet by December 31, 2002.
13 3. At least twenty-five per cent of the total fleet by December 31,
14 2003.
15 4. At least thirty-three per cent of the total fleet by December 31,
16 2004.
17 5. At least fifty per cent of the total fleet by December 31, 2005.
18 6. At least seventy-five per cent of the total fleet by December 31,
19 2006 and each year thereafter.

20 C. For the purpose of this section, :

21 1. ~~"alternative fuel" has the same meaning prescribed in section~~
22 ~~1-215.~~

23 2. ~~AND~~ "clean burning fuel" has HAVE the same meaning prescribed in
24 section 1-215.

25 Sec. 3. Section 41-803, Arizona Revised Statutes, is amended to read:

26 41-803. Operation of state motor vehicle fleet; energy
27 conservation; alternative and clean burning fuels;
28 definitions

29 A. The director shall operate a motor vehicle fleet for all state
30 owned motor vehicles for the purpose of providing transportation for state
31 officers and employees, except those officers and employees of any agency or
32 department excluded by subsection E of this section. The director shall make
33 fleet motor vehicles available to state agencies and departments on the
34 request of the chosen representative for that agency or department.

35 B. The director may adopt rules necessary for the administration of
36 the motor vehicle fleet.

37 C. The director shall provide for detailed cost, operation,
38 maintenance, mileage and custody records for each state owned vehicle. On
39 or before August 1 of each year, all state agencies and departments,
40 including those listed in subsection E of this section, shall make
41 information available to the director regarding vehicle cost, operation,
42 maintenance and mileage and other information as established by the director
43 in policies and procedures for the purposes of the report prescribed in
44 subsection R of this section.

1 D. Each state department and agency shall pay from available monies
2 the cost of motor vehicle services received from the state motor vehicle
3 fleet at a rate determined by the director.

4 E. The following departments and agencies are excluded from
5 participation in the state motor vehicle fleet:

- 6 1. Department of public safety.
- 7 2. Department of transportation.
- 8 3. Department of economic security.
- 9 4. State department of corrections.
- 10 5. Universities and community colleges.
- 11 6. Arizona state schools for the deaf and the blind.

12 F. The director shall appoint a person in the office of the director
13 who is the state motor vehicle fleet alternative fuel and clean burning fuel
14 coordinator. The coordinator shall develop, implement, document, monitor and
15 modify as necessary a statewide alternative fuels plan in consultation with
16 all state agencies and departments that are subject to the alternative fuel
17 and clean burning fuel requirements prescribed in this section or any other
18 law. The approval of the coordinator is required for all acquisitions of
19 vehicles pursuant to this section, except for acquisitions by community
20 college districts.

21 G. Purchases of all new motor vehicles that primarily operate in
22 counties with a population of more than two hundred fifty thousand persons
23 and that have a gross vehicle weight of eight thousand five hundred pounds
24 or less, including those agency motor vehicle fleets listed in subsection E
25 of this section, shall meet the following minimum requirements for vehicles:

- 26 1. For model year 1997, ten per cent of new motor vehicles purchased
27 shall be capable of operating on alternative fuels.
- 28 2. For model year 1998, fifteen per cent of new motor vehicles
29 purchased shall be capable of operating on alternative fuels.
- 30 3. For model year 1999, twenty-five per cent of new motor vehicles
31 purchased shall be capable of operating on alternative fuels.
- 32 4. For model year 2000, fifty per cent of new motor vehicles purchased
33 shall be capable of operating on alternative fuels.
- 34 5. For model year 2001 and all subsequent model years, seventy-five
35 per cent of new motor vehicles purchased shall be capable of operating on
36 alternative fuels or clean burning fuels, ~~except that a diesel fuel~~
37 ~~substitute that qualifies as a clean burning fuel shall not be used to~~
38 ~~satisfy more than fifty per cent of the requirements and a vehicle that uses~~
39 ~~a diesel fuel substitute that qualifies as a clean burning fuel is computed~~
40 ~~to equal one-fifth of a vehicle for the purposes of this section, except that~~
41 ~~if the fuel, including the diesel fuel substitute, used in the vehicle meets~~
42 ~~the standards for California diesel fuel as adopted by the California air~~
43 ~~resources board pursuant to 13 California code of regulations sections 2281~~
44 ~~and 2282 in effect on January 1, 2000, the vehicle is computed to equal one~~
45 ~~vehicle for the purposes of this section.~~

1 H. Purchases of new alternative fuel and clean burning fuel vehicles
2 that have a gross vehicle weight of eight thousand five hundred pounds or
3 less shall meet the following minimum requirements for vehicles that
4 primarily operate in counties with a population of more than one million two
5 hundred thousand persons:

6 1. For model year 2000, forty per cent of new alternative fuel and
7 clean burning fuel vehicles purchased shall comply with the United States
8 environmental protection agency standards for low emission vehicles pursuant
9 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

10 2. For model year 2001, fifty per cent of new alternative fuel and
11 clean burning fuel vehicles purchased shall comply with the United States
12 environmental protection agency standards for low emission vehicles pursuant
13 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

14 3. For model year 2002, sixty per cent of new alternative fuel and
15 clean burning fuel vehicles purchased shall comply with the United States
16 environmental protection agency standards for low emission vehicles pursuant
17 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

18 4. For model year 2003, seventy per cent of new alternative fuel and
19 clean burning fuel vehicles purchased shall comply with the United States
20 environmental protection agency standards for low emission vehicles pursuant
21 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

22 I. The coordinator may waive the requirements of subsection G of this
23 section for any state agency on receipt of certification supported by
24 evidence acceptable to the coordinator that:

25 1. The agency's vehicles will be operating primarily in an area in
26 which neither the agency nor a supplier has established or can reasonably be
27 expected to establish a central refueling station for alternative fuels or
28 clean burning fuels.

29 2. The agency is unable to acquire or be provided equipment or
30 refueling facilities necessary to operate vehicles using alternative fuels
31 or clean burning fuels at a projected cost that is reasonably expected to
32 result in net costs of no greater than thirty per cent more than the net
33 costs associated with the continued use of traditional gasoline or diesel
34 fuels measured over the expected useful life of the equipment or facilities
35 supplied. Applications for waivers shall be filed with the department of
36 commerce energy office pursuant to section 41-1516.01. An entity that
37 receives a waiver pursuant to this section shall retrofit fleet heavy-duty
38 diesel vehicles with a gross vehicle weight of eight thousand five hundred
39 pounds or more that were manufactured in or before model year 1993 and that
40 are the subject of the waiver with a technology that is effective at reducing
41 particulate emissions at least twenty-five per cent or more and that has been
42 approved by the United States environmental protection agency pursuant to the
43 urban bus engine retrofit/rebuild program. The entity shall comply with the
44 implementation schedule pursuant to section 49-555.

1 J. The department of administration, through the coordinator, may
2 acquire or be provided equipment or refueling facilities necessary to operate
3 such vehicles using alternative fuels or clean burning fuels:

- 4 1. By purchase or lease as authorized by law.
5 2. By gift or loan of the equipment or facilities.
6 3. By gift or loan of the equipment or facilities or any other
7 arrangement pursuant to a service contract for the supply of alternative
8 fuels or clean burning fuels.

9 K. The coordinator and the department of commerce energy office shall
10 develop and implement a vehicle fleet energy conservation plan for the
11 purposes of reducing vehicle fuel consumption and to encourage and
12 progressively increase the use of alternative fuels and clean burning fuels
13 in state owned vehicles, ~~except that a diesel fuel substitute that qualifies~~
14 ~~as a clean burning fuel shall not be used to satisfy more than fifty per cent~~
15 ~~of the plan requirements and a vehicle that uses a diesel fuel substitute~~
16 ~~that qualifies as a clean burning fuel is computed to equal one-fifth of a~~
17 ~~vehicle for the purposes of this section, except that if the fuel, including~~
18 ~~the diesel fuel substitute, used in the vehicle meets the standards for~~
19 ~~California diesel fuel as adopted by the California air resources board~~
20 ~~pursuant to 13 California code of regulations sections 2281 and 2282 in~~
21 ~~effect on January 1, 2000, the vehicle is computed to equal one vehicle for~~
22 ~~the purposes of this section.~~ The plans shall include:

23 1. A timetable by which fleet vehicles shall be replaced with vehicles
24 that have demonstrated high fuel economy estimates within their vehicle
25 class.

26 2. A timetable for increasing the use of alternative fuels and clean
27 burning fuels in fleet vehicles either through purchase or conversion. The
28 timetable shall reflect the following schedule and percentage of vehicles
29 which operate on alternative fuels or clean burning fuels:

30 (a) Not less than forty per cent of the total fleet by December 31,
31 1995, except for community college districts. Community college districts
32 shall comply by December 31, 2002.

33 (b) Not less than ninety per cent of the total fleet operating
34 primarily in counties with populations exceeding one million two hundred
35 thousand persons according to the most recent federal decennial census by
36 December 31, 1997, except for community college districts. Community college
37 districts shall comply by December 31, 2004.

38 3. Options for increasing, whenever possible, the use of vehicles that
39 have the capability to use available alternative fuels or clean burning
40 fuels, or vehicles that may be economically converted, if needed, for the use
41 of alternative fuels or clean burning fuels.

42 4. Options for the use of demonstrated innovative technologies that
43 promote energy conservation and reduced fuel consumption.

44 5. Methods that promote efficient trip planning and state vehicle use.

1 6. Car pooling and van pooling for agency employees for commuting and
2 job related travel.

3 L. The coordinator shall identify specific vehicle models within each
4 vehicle class that would meet the demands of each state agency and that
5 demonstrate a high degree of fuel economy. Vehicle classes and fuel economy
6 comparisons shall be based on United States department of energy and United
7 States environmental protection agency data pursuant to title 15 United
8 States Code sections 2003 through 2006. For the use of an alcohol fueled
9 vehicle, the state agency shall demonstrate to the director that the fuel for
10 the vehicle is available within a ten mile radius of the primary home base
11 of that vehicle.

12 M. Subsections G, H, I, J, K, L, N, O and P of this section do not
13 apply to the purchase or lease of the following:

- 14 1. A vehicle to be used primarily for criminal law enforcement.
- 15 2. A motorcycle.
- 16 3. An all-terrain vehicle.
- 17 4. An ambulance.
- 18 5. A fire truck, a fire engine or any other fire suppression
19 apparatus.

20 N. Any contract for conversion of vehicles to alternative fuels
21 pursuant to this section shall be entered into by competitive sealed
22 proposals pursuant to section 41-2534.

23 O. If everything else is equal, when contracting for vehicles to
24 satisfy the requirements prescribed in this section, preference shall be
25 given to vehicles with the lowest emissions levels.

26 P. The departments and agencies excluded from participation in the
27 state motor vehicle fleet pursuant to subsection E of this section shall
28 develop and implement a program for alternative fuels and clean burning fuels
29 and fuel economy for their motor vehicle fleets substantially similar to the
30 standards set forth in this section, and the program shall be submitted to
31 the coordinator for review.

32 Q. All agencies, including those listed in subsection E of this
33 section, shall comply with the plan developed and implemented by the
34 coordinator pursuant to subsection F of this section.

35 R. On or before November 1 of each year, the director shall submit a
36 report to the governor, the speaker of the house of representatives, the
37 president of the senate, the governor's office of strategic planning and
38 budgeting and the joint legislative budget committee concerning the use of
39 alternative fuels and clean burning fuels in the state motor vehicle
40 fleet. The report shall include at least the following:

- 41 1. The number of state fleet vehicles.
- 42 2. The number of state fleet vehicles used primarily in Maricopa
43 county.
- 44 3. The number of state fleet vehicles capable of using alternative
45 fuels or clean burning fuels.

1 4. Progress on compliance with federal and state guidelines mandating
2 the conversion of state fleet vehicles to alternatively fueled vehicles.

3 5. Alternative fuels and clean burning fuels usage data.

4 6. Information received from state agencies pursuant to subsection C
5 of this section.

6 7. Information gathered from local offices of federal agencies
7 regarding progress made toward implementing the federal mandates relating to
8 the conversion of motor vehicle fleets to alternative fuels or clean burning
9 fuels pursuant to subsection G of this section.

10 S. For the purposes of this section:

11 1. "Alternative fuels" has the same meaning prescribed in section
12 1-215.

13 2. "Clean burning fuels" has the same meaning prescribed in section
14 1-215.

15 3. "New motor vehicle" means an original equipment manufactured
16 vehicle, a converted original equipment manufactured vehicle or an original
17 equipment manufactured vehicle that will be converted.

18 Sec. 4. Section 49-474.01, Arizona Revised Statutes, is amended to
19 read:

20 49-474.01. Additional board duties in vehicle emissions control
21 areas; definitions

22 A. The board of supervisors of a county which contains any portion of
23 area A or area B as defined in section 49-541 shall:

24 1. In area A, in consultation with the designated metropolitan
25 planning organization, synchronize traffic control signals on all existing
26 and new roadways, within the unincorporated area and at jurisdictional
27 boundaries, which have a traffic flow exceeding fifteen thousand motor
28 vehicles per day.

29 2. In area A, beginning on January 1, 2000, develop and implement
30 plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on
31 targeted arterials. The plans shall address the performance goals, the
32 criteria for targeting roads, alleys and arterials, a schedule for
33 implementation, funding options and reporting requirements.

34 3. In area A acquire or utilize vacuum systems or other dust removal
35 technology to reduce the particulates attributable to conventional crack
36 sealing operations as existing equipment is retired.

37 4. In area B synchronize traffic control signals on roadways with a
38 traffic flow exceeding fifteen thousand motor vehicles per day.

39 5. Implement adjusted work hours for at least eighty-five per cent of
40 county employees in area A each year beginning October 1 and ending April 1
41 in order to reduce the level of carbon monoxide concentrations caused by
42 vehicular travel.

43 B. The board of supervisors of a county that contains any portion of
44 area A as defined in section 49-541 shall make and enforce ordinances
45 consistent with the provisions of section 49-588 to reduce or encourage the

1 reduction of the commuter use of motor vehicles by employees of the county
2 and employees whose place of employment is within area A.

3 C. The board of supervisors in a county that contains any portion of
4 area A shall develop and implement a vehicle fleet plan for the purpose of
5 encouraging and progressively increasing the use of alternative fuels and
6 clean burning fuels in county owned vehicles operating in area A, ~~except that~~
7 ~~a diesel fuel substitute that qualifies as a clean burning fuel shall not be~~
8 ~~used to satisfy more than fifty per cent of the plan requirements and a~~
9 ~~vehicle that uses a diesel fuel substitute that qualifies as a clean burning~~
10 ~~fuel is computed to equal one-fifth of a vehicle for the purposes of this~~
11 ~~section, except that if the fuel, including the diesel fuel substitute, used~~
12 ~~in the vehicle meets the standards for California diesel fuel as adopted by~~
13 ~~the California air resources board pursuant to 13 California code of~~
14 ~~regulations sections 2281 and 2282 in effect on January 1, 2000, the vehicle~~
15 ~~is computed to equal one vehicle for the purposes of this section. At a~~
16 ~~minimum, the alternative fuel vehicles shall comply with any one of the~~
17 ~~following:~~

18 1. The United States environmental protection agency standards for low
19 emission vehicles pursuant to 40 Code of Federal Regulations section
20 88.104-94 or 88.105-94.

21 2. The vehicle engine is certified by the engine modifier to meet the
22 addendum to memorandum 1-A of the United States environmental protection
23 agency, as printed in the federal register, volume 62, number 207, October
24 27, 1997, pages 55635 through 55637.

25 3. The vehicle engine is the subject of a waiver for that specific
26 engine application from the United States environmental protection agency's
27 addendum to memorandum 1-A requirements and that waiver is documented to the
28 reasonable satisfaction of the department of commerce energy office.

29 D. The plan shall include a timetable for increasing the use of
30 alternative fuels and clean burning fuels in fleet vehicles either through
31 purchase or conversion. The timetable shall reflect the following schedule
32 and percentage of vehicles which operate on alternative fuels or clean
33 burning fuels:

34 1. At least eighteen per cent of the total fleet by December 31, 1995.

35 2. At least twenty-five per cent of the total fleet by December 31,
36 1996.

37 3. At least fifty per cent of the total fleet by December 31, 1998.

38 4. At least seventy-five per cent of the total fleet by December 31,
39 2000 and each year thereafter.

40 E. The requirements of subsections C and D of this section may be
41 waived on receipt of certification supported by evidence acceptable to the
42 department that the county is unable to acquire or be provided equipment or
43 refueling facilities necessary to operate vehicles using alternative fuels
44 or clean burning fuels at a projected cost that is reasonably expected to
45 result in net costs of no greater than ten per cent more than the net costs

1 associated with the continued use of conventional gasoline or diesel fuels
2 measured over the expected useful life of the equipment or facilities
3 supplied. Applications for waivers shall be filed with the department of
4 commerce energy office pursuant to section 41-1516.01. An entity that
5 receives a waiver pursuant to this section shall retrofit fleet heavy-duty
6 diesel vehicles with a gross vehicle weight of eight thousand five hundred
7 pounds or more, that were manufactured in or before model year 1993 and that
8 are the subject of the waiver with a technology that is effective at reducing
9 particulate emissions at least twenty-five per cent or more and that has been
10 approved by the United States environmental protection agency pursuant to the
11 urban bus engine retrofit/rebuild program. The entity shall comply with the
12 implementation schedule pursuant to section 49-555.

13 F. For the purpose of this section "alternative fuel" and "clean
14 burning fuel" have the same meaning prescribed in section 1-215.

15 Sec. 5. Section 49-573, Arizona Revised Statutes, is amended to read:

16 49-573. Emissions controls; federal vehicles; definitions

17 A. The operator of a United States government owned vehicle fleet
18 based primarily in this state shall develop and implement a vehicle fleet
19 plan for the purpose of encouraging and progressively increasing the use of
20 alternative fuels and clean burning fuels in United States government owned
21 vehicles, ~~except that a diesel fuel substitute that qualifies as a clean~~
22 ~~burning fuel shall not be used to satisfy more than fifty per cent of the~~
23 ~~plan requirements and a vehicle that uses a diesel fuel substitute that~~
24 ~~qualifies as a clean burning fuel is computed to equal one-fifth of a vehicle~~
25 ~~for the purposes of this section, except that if the fuel, including the~~
26 ~~diesel fuel substitute, used in the vehicle meets the standards for~~
27 ~~California diesel fuel as adopted by the California air resources board~~
28 ~~pursuant to 13 California code of regulations sections 2281 and 2282 in~~
29 ~~effect on January 1, 2000, the vehicle is computed to equal one vehicle for~~
30 ~~the purposes of this section.~~ The plan shall include a timetable for
31 increasing the use of alternative fuels and clean burning fuels in fleet
32 vehicles either through purchase or conversion. At a minimum, the
33 alternative fuel vehicles shall comply with any one of the following:

34 1. The United States environmental protection agency standards for low
35 emission vehicles pursuant to 40 Code of Federal Regulations section
36 88.104-94 or 88.105-94.

37 2. The vehicle engine is certified by the engine modifier to meet the
38 addendum to memorandum 1-A of the United States environmental protection
39 agency, as printed in the federal register, volume 62, number 207, October
40 27, 1997, pages 55635 through 55637.

41 3. The vehicle engine is the subject of a waiver for that specific
42 engine application from the United States environmental protection agency's
43 addendum to memorandum 1-A requirements and that waiver is documented to the
44 reasonable satisfaction of the department of commerce energy office.

1 B. The timetable shall reflect the following schedule and percentage
2 of vehicles which operate on alternative fuels and clean burning fuels:

3 1. At least ten per cent of the total fleet by December 31, 1994.

4 2. At least forty per cent of the total fleet by December 31, 1995.

5 3. For fleets operating primarily in counties with a population of
6 more than one million two hundred thousand persons according to the most
7 recent United States decennial census, at least ninety per cent of the total
8 fleet by December 31, 1997 and each year thereafter.

9 C. The requirements of subsections A and B of this section may be
10 waived on receipt of certification supported by evidence acceptable to the
11 department of environmental quality that the United States government fleet
12 operator is unable to acquire or be provided equipment or refueling
13 facilities necessary to operate vehicles using alternative fuels or clean
14 burning fuels at a projected cost that is reasonably expected to result in
15 net costs of no greater than thirty per cent more than the net costs
16 associated with the continued use of conventional gasoline or diesel fuels
17 measured over the expected useful life of the equipment or facilities
18 supplied. An entity that receives a waiver pursuant to this section shall
19 retrofit fleet heavy-duty diesel vehicles with a gross vehicle weight of
20 eight thousand five hundred pounds or more, that were manufactured in or
21 before model year 1993 and that are the subject of the waiver with a
22 technology that is effective at reducing particulate emissions at least
23 twenty-five per cent or more and that has been approved by the United States
24 environmental protection agency pursuant to the urban bus engine
25 retrofit/rebuild program. The entity shall comply with the implementation
26 schedule pursuant to section 49-555.

27 ~~D. An operator of a fleet that is subject to subsections A and B of~~
28 ~~this section and that does not comply with the statutory timetable and~~
29 ~~percentage goals for alternative fuel or clean burning fuel vehicles shall~~
30 ~~file a report with the department of commerce energy office, the house of~~
31 ~~representatives federal mandates and states' rights and environment~~
32 ~~committees, or their successor committees, and the senate government and~~
33 ~~environmental stewardship and commerce, agriculture and natural resources~~
34 ~~committees, or their successor committees. The report shall include the~~
35 ~~total number of vehicles in the operator's fleet by class and the percentage~~
36 ~~that is capable of operating on alternative fuel or clean burning fuel. The~~
37 ~~operator shall file the report on or before October 1, 1999, April 1, 2000~~
38 ~~and October 1, 2000.~~

39 ~~E. An operator of a fleet that does not file a report as prescribed~~
40 ~~in subsection D of this section shall not operate a vehicle in area A as~~
41 ~~defined in section 49-541 ninety days after the reporting date. Once an~~
42 ~~operator of a fleet files the report this subsection shall not apply.~~

43 ~~F. D. For the purpose of this section "alternative fuel" and "clean~~
44 ~~burning fuel" have the same meaning prescribed in section 1-215.~~

APPROVED BY THE GOVERNOR APRIL 9, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2001.

Passed the House February 14, 2001,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

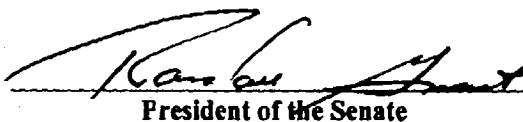

Speaker of the House

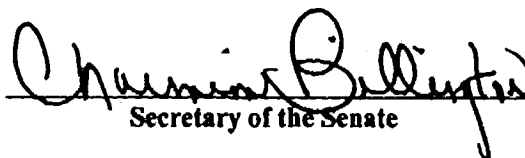

Chief Clerk of the House

Passed the Senate April 2, 2001,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3 day of April, 2001,

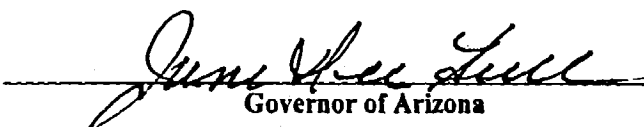
at 12:35 o'clock P M.


Secretary to the Governor

Approved this 9th day of

April, 2001,

at 3:55 o'clock P M.

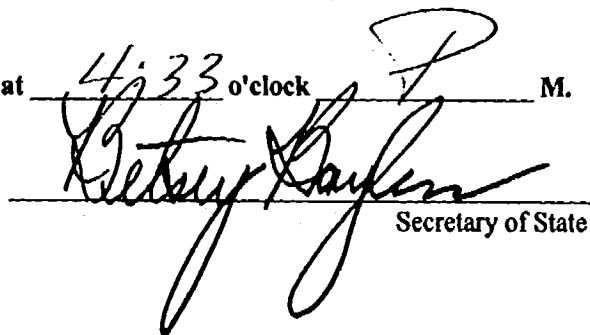

Governor of Arizona

H.B. 2123

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 9 day of April, 2001,

at 4:33 o'clock P M.


Secretary of State